

**CANADIAN HUMAN RIGHTS TRIBUNAL TRIBUNAL CANADIEN DES DROITS
DE LA PERSONNE**

SANDI MOLOS

Complainant

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

CANADA REVENUE AGENCY

Respondent

DECISION

MEMBER: Wallace Gilby Craig 2009 CHRT 20
2009/07/03

[1] The hearing of this complaint was convened at 9:30 a.m. on Monday, June 22, 2009 at Toronto, Ontario. At the commencement of the hearing, the Tribunal Registry Officer announced that the case was set for hearing and called for appearances.

[2] Mr. James Gorham, counsel for the Respondent Canada Revenue Agency, was in attendance. The Complainant, Sandi Molos did not appear nor did anyone appear on her behalf.

[3] No one appeared at the hearing on behalf of the Canadian Human Rights Commission.

[4] The Tribunal adjourned the hearing until 10:00 a.m. of that same day. Upon resumption, the Registry Officer once again called for appearances. Counsel for the Respondent was again in attendance but neither Ms. Molos nor anyone on her behalf was present.

[5] Counsel for the Respondent stated that during a case management conference call with the Tribunal Chairperson on May 6, 2009, the Complainant vigorously argued for and insisted that the hearing of her complaint be held as early as possible; that hearing days be shortened to allow her to rest and that special facilities be reserved to accommodate her need to rest during the hearing. Counsel pointed out that the Tribunal had acceded to all these requests by the Complainant and fixed the hearing to begin on Monday, June 22, 2009.

[6] The Tribunal Registry Officer confirmed that Ms. Molos was advised by letter dated May 13, 2009, from the Tribunal, that the hearing would proceed at Toronto on June 22 to 26, 2009, July 20 to 24, 2009 and July 27 to 31, 2009; and that a Notice of Hearing was also sent to Ms. Molos on May 27, 2009 confirming the date, time and location of the hearing.

[7] It is noted that a case management teleconference with the parties was scheduled by the Tribunal for June 8, 2009 at 2:00 p.m. to discuss outstanding issues, including disclosure, in preparation for the hearing. Neither the Complainant, or anyone representing the Complainant, participated in the teleconference.

[8] On June 3, 2009, Ms. Molos wrote to the Tribunal stating that she would be unable to provide any submissions or take part verbally in the teleconferences or the hearing until she could find legal counsel, and that she was therefore in agreement with a request by the Respondent's counsel for the hearing to be adjourned. Despite her June 3, 2009 communication to the Tribunal, the Complainant did appear on her own behalf before this Tribunal on the occasion of the May 6, 2009 teleconference with the Chairperson, and argued vehemently for this hearing to proceed and that special accommodations be arranged for her convenience.

[9] A case management teleconference was conducted on June 8, 2009. Neither the Complainant nor anyone representing the Complainant participated in the conference. At the request of the Respondent, the Tribunal directed the Complainant provide further disclosure. Given the vigorous insistence expressed by the Complainant on May 6, 2009 that the hearing begin on June 22, 2009, and given also the significant arrangements in place for accommodating the Complainant during the hearing, the Tribunal denied the Respondent's request for adjournment of the commencement of the hearing on June 22, 2009.

[10] The Complainant has failed to meet her disclosure obligations as per Rule 6(1) of the Tribunal's Rules and Procedures.

[11] No evidence was called or otherwise provided in support of Sandi Molos' complaint at the hearing on June 22, 2009.

[12] Accordingly, I find that the complaint against the Canada Revenue Agency has not been substantiated and it is hereby dismissed under section 53(1) of the *Canadian Human Rights Act*.

"Signed by"
Wallace Gilby Craig

OTTAWA, Ontario
July 3, 2009

PARTIES OF RECORD

TRIBUNAL FILE:	T1345/7508
STYLE OF CAUSE:	Sandi Molos v. Canada Revenue Agency
DATE AND PLACE OF HEARING:	June 22, 2009 Toronto, Ontario
DECISION OF THE TRIBUNAL DATED:	July 3, 2009
APPEARANCES:	
(No one appearing)	For the Complainant
(No one appearing)	For the Canadian Human Rights Commission
James Gorham Rina Li	For the Respondent